

REMARKS

Claims 21-38 are currently pending in this application. Claims 21-24, 27, 28, 30, 32, 34 and 37 have been amended. More specifically, claims 21, 27, 30, and 37 have been amended to clarify certain features of these claims to expedite prosecution, and without prejudice to pursuing these claims in unamended or other forms in a continuation, divisional, or other application. Claims 22-24, 28, 32, and 34 have been amended merely to change the dependencies of these claims, and not for any reasons related to patentability. Claims 20, 25, 26, 29, 31 and 36 have been cancelled without prejudice to pursuing these claims in a continuation, divisional, or other application. New claim 38 has been added.

In the Non-Final Office Action mailed March 19, 2008, pending claims 20-37 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Pat. No. 7,269,442 to Sato ("Sato") and U.S. Pat. App. Pub. No. 2004/0097258 to Lee ("Lee").

The undersigned attorney and his colleague, Aaron Poledna (Reg. No. 54,675), wish to thank Examiners Wang and Henn for engaging in a telephone conference on May 15, 2008 to discuss the present Office Action and distinctions between the pending claims and the Sato and Lee references. The applicant requests that this paper constitute the applicant's Interview Summary. If the Examiners notice any deficiencies with this paper in this regard, they are encouraged to contact the undersigned attorney to correct such deficiencies.

A. Response to the Section 103 Rejections of Claims 20-37 (Sato and Lee)

Claims 20-37 were rejected under 35 U.S.C. § 103(a) over the combination of Sato and Lee. Without conceding the merits of these rejections, applicant has elected to amend claims 21-24, 27, 28, 30, 32, 34 and 37, and cancel claims 20, 25, 26, 29, 31 and 36.

Claim 21 has been rewritten in independent form to incorporate the features of now-canceled base claim 20. According to the Office Action, Sato's second rotating portion 52 of the upper hinge 5 and first rotating portion 42 of the lower hinge 4 correspond to the claimed closed end with a first axle formed thereon. (Office Action, p. 5.) Further according to the Office Action, Sato's cap 63 and tubular portion 62C correspond to the claimed cap with a second axle formed thereon. (*Id.*) Applicant respectfully disagrees with these interpretations of Sato. Nevertheless, applicant has further amended claim 21 to recite that "the closed end has a first surface with a first axle formed thereon and the cap has a second surface facing away from the first surface with a second axle formed thereon." Support for this amendment may be found, for example, at Figures 6A and 6C (showing axles 123a and 161a on surfaces facing away from each other) of the originally filed Specification.

Sato does not teach or suggest these features of claim 21. Rather, according to the interpretation set forth in the Office Action, the surfaces of Sato's first rotating portion 41 and the tubular portion 62C having axles both face in the same direction (i.e., both surfaces face toward the left of the portable telephone as shown in Figure 3). Because these surfaces both face in the same direction, Sato does not teach or suggest first and second surfaces that face away from each other and have first and second axles formed thereon, as recited in claim 21. Therefore, Sato does not teach or suggest the features of claim 21. Lee fails to cure Sato's deficiencies. For at least these reasons, the Section 103 rejection of claim 21 should be withdrawn.

Claims 22-24 have been amended to depend from base claim 21. Accordingly, the Section 103 rejections of dependent claims 22-24 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Claim 27 has been rewritten in independent form to incorporate the features of now-canceled base claim 25. Claim 27 has been further amended to recite that "the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device." Support for this amendment may be found, for example, at p. 4,

lines 10-12 (describing that the video/audio combo device 10 may be fixedly installed on the portable electronic data processing device 20) of the originally filed Specification. According to the Office Action, Sato's hinge portion 3 is configured to be fixedly positioned in the portable telephone. (Office Action, p. 6.) Applicant respectfully disagrees with this interpretation of Sato. Sato actually describes that the hinge portion 3 has a lower hinge 4 and an upper hinge 5. (Sato, col. 3, line 65 – col. 4, line 3.) Because the hinge portion 3 includes rotatable elements, Sato does not teach or suggest an apparatus that is configured to be fixedly positioned and not rotatable, as recited in claim 27. Sato further describes an imaging unit 6 that is rotatable with respect to the hinge portion 3. (Sato, col. 5, lines 20-24.) Because the imaging unit 6 is rotatable with respect to the hinge portion 3, Sato does not teach or suggest an apparatus that is configured to be fixedly positioned and not rotatable, as recited in claim 27. Lee fails to cure Sato's deficiencies. For at least these reasons, the Section 103 rejection of claim 27 should be withdrawn.

Claim 28 has been amended to depend from base claim 27. Accordingly, the Section 103 rejection of dependent claim 28 should be withdrawn for at least the foregoing reasons, and for the additional features of this dependent claim.

Claim 30 has been rewritten in independent form to incorporate the features of now-canceled base claim 29, and claim 37 has been rewritten in independent form to incorporate the features of now-canceled base claim 36. Claims 30 and 37 have been further amended to include features at least generally similar to those recited in claim 27. For example, claim 30 has been further amended to recite "wherein the housing is configured to be fixedly positioned and not rotatable in the portable electronic device" and claim 37 has been further amended to recite "means for enabling the apparatus to be fixedly positioned and not rotatable in the portable electronic device." As noted above with respect to claim 27, Sato does not teach or suggest these features, and Lee fails to cure Sato's deficiencies. For at least the foregoing reasons, the Section 103 rejections of claim 30 and 37 should be withdrawn.

New claim 38 includes features at least generally similar to claim 21. For example, claim 38 recites a housing having a "generally cylindrical shape having a first closed end and a second closed end" in combination with "a first axle at a first surface of the first closed end" and "a second axle at a second surface of the second closed end, wherein the second surface opposes the first surface." As noted above with respect to claim 21, Sato and Lee, either alone or in combination, fail to teach or suggest these features. Accordingly, for at least these reasons, claim 38 is patentable over the applied references Sato and Lee.

Claims 32 and 34 have been amended to depend from base claim 38, and claims 33 and 35 also depend from base claim 38. Accordingly, the Section 103 rejections of dependent claims 32-35 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Aaron J. Poledna at (206) 359-3982.

Respectfully submitted,

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